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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 EDDIE J. COMBS,

6 Petitioner,

No. C11-5884/KLS

7 v.

8 JEFFREY A. UTTECHT,

ORDER DENYING MOTION FOR THE  
APPOINTMENT OF COUNSEL

9 Respondent.

10 Before the Court is Petitioner's motion for the appointment of counsel in this habeas  
11 case. ECF No. 7. Petitioner asks for counsel because he cannot afford to employ an attorney.

12 *Id.*

13 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254  
14 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See  
15 *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164,  
16 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United  
17 States District Courts. An evidentiary hearing has not been granted in this case and Petitioner  
18 has not yet demonstrated that an evidentiary hearing is necessary or that he is entitled to one.

19 Accordingly, it is **ORDERED**:

20 (1) Petitioner's motion for counsel (ECF No. 7) is **DENIED**.

21 (2) The Clerk is directed to send copies of this Order to Petitioner.

22 DATED this 30th day of January, 2012.

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26 Karen L. Strombom  
United States Magistrate Judge